

April 9, 2007

Ms. Desiree Desselle
Senior Field Representative
Washington Federation of State Employees
316 West Boone, Suite 353
Spokane, WA 99201

RE: Johnnie Landis v. Department of Ecology
Allocation Review Request 06AL0086

Dear Ms. Desselle:

On November 13, 2006, I conducted a Director's review meeting by telephone conference call regarding the allocation of Johnnie Landis' position. You, Ms. Landis, and Terri Beck, Human Resource Consultant with the Department of Ecology, participated in the conference. Ms. Landis' supervisor, Marilyn Summers, also participated in the conference call.

Background

On January 10, 2006, Ms. Landis submitted a Position Review Request (PRR) to the Department of Ecology's East Regional Office, requesting that her Forms & Records Analyst 2 position (#3216) be reallocated to the Forms & Records Analyst 3 classification.

By letter dated April 14, 2006, Human Resource Consultant Jan Bacon notified Ms. Landis that her position was properly allocated to the Forms & Records Analyst (F&RA) 2 classification. Ms. Bacon concluded Ms. Landis did not meet the F&RA 3 level because she had not been assigned duties as a specialist. Additionally, Ms. Bacon determined Ms. Landis had not been assigned management level duties, which have been assigned to staff in the Headquarters Office.

On May 15, 2006, the Department of Personnel received your letter on behalf of Ms. Landis, requesting a Director's review of Ms. Bacon's determination.

Summary of Ms. Landis' Perspective

Ms. Landis contends she meets the F&RA 3 classification because she asserts she functions as a management consultant, acts as a lead worker, and handles public records requests. Ms. Landis states she receives public disclosure requests that can be project oriented or region specific but that requests can also come from other programs. Ms. Landis contends she coordinates these requests and states she acts as the public disclosure coordinator and records manager for the Eastern Region Central Files. Further, Ms. Landis asserts she consults with managers to resolve problems and to help determine whether an item is appropriate for public disclosure. Ms. Landis further states she also confirms/verifies information with the Attorney General's Office and redacts information exempt from public disclosure. In addition, Ms. Landis states she reviews records retention schedules to ensure legal compliance. Ms. Landis contends that over the past two years there has been an increase in public disclosure work, and as a result, she contends she now spends the majority of her time responding to public disclosure requests, many of which she contends are complex. Therefore, Ms. Landis believes the F&RA 3 classification best describes her position.

Summary of Department of Ecology's (ECY's) Reasoning

ECY contends Ms. Landis' position does not meet the distinguishing characteristics of the F&RA 3 classification because ECY asserts she does not function as a management consultant and states she has not been assigned duties as a specialist. ECY further asserts the department conducted an allocation review of Ms. Landis' position in 2003 and contends there have been no new duties assigned to her position. While there may have been an increase in public disclosure related work, ECY contends the way in which the work is performed has not changed. ECY further contends that volume of work is not considered an allocating criterion. ECY asserts Ms. Landis' supervisor disagrees with her characterization of her duties and states her position does not approve retention/destruction of records or coordinate statewide public disclosure because those duties are assigned to staff in Headquarters. ECY acknowledges Ms. Landis makes routine decisions and manages her own work but disagrees that she leads or manages other staff. ECY maintains that Ms. Landis has not been assigned higher-level duties and that her duties have not changed since the last position review. As a result, ECY contends Ms. Landis is properly allocated to the F&RA 2 classification.

Director's Determination

This position review was based on the work performed for at least the six-month period prior to January 10, 2006, the date Ms. Landis submitted her Position Review Request.

As the Director's designee, I carefully considered all of the documentation in the file, the exhibits presented during the Director's review meeting, and the verbal comments provided by both parties. Based on my review and analysis of Ms. Landis' assigned

duties and responsibilities, I conclude her position is properly allocated to the Forms & Records Analyst 2 classification.

Rationale for Determination

During the Director's review conference you and Ms. Landis stated the majority of Ms. Landis' work revolved around public disclosure requests. On the Position Review Request (PRR) form, Ms. Landis indicated that 55% of her work time related to public disclosure as follows:

- Respond to all Eastern Region Office public disclosure requests applying knowledge of agency policies and procedures, systems, analysis and laws relating to public disclosure;
- Schedule public reviews;
- Assist requestor in defining the scope of records requested and assist staff in identifying records responsive to that request;
- Identify and redact information exempt from disclosure, provide records to requestor, and retain records related to requests in accordance with records retention requirements;
- Public disclosure includes redacting and dissemination of exempt materials, using Attorney General's (AGO) advice and/or consultation when required or necessary;
- Maintain contact with AGO's on sensitive issues and legal concerns;
- Coordinate copying and shipping of all documents requested or providing electronic documents.

Ms. Landis' supervisor, Regional Business Administrator Marilyn Summers disagrees with her description of duties in the PRR. Ms. Summers, who assigns the work for Ms. Landis' position, describes Ms. Landis' assigned work (Exhibit B attachment), in part, as follows:

This position is responsible for routine public disclosure releases per RCW 42.17. Specific site files are coordinated with the site manager, and the Attorney General's office for decisions on questionable releases.

Employee is responsible for decisions on her work schedule appointments and daily tasks.

Ms. Summers also states that Ms. Landis' position is not a lead worker position. The lead worker status, however, does not impact the level of allocation here because both the F&RA 2 and 3 levels may lead or supervise.

Ms. Summers has described Ms. Landis' role in handling public disclosure as handling routine requests. Ms. Landis indicates she makes decisions that include researching, identifying, communicating with staff and requestor, legal requirements, redacting and

dissemination, copying, billing, and shipping of record copies as requested. Ms. Summers, however, describes those decisions as "part of the day-to-day job duties."

An allocation is based on the work assigned to a position and how that compares to the category concept of an occupational category and then the distinguishing characteristic at the various levels within the series.

The distinguishing characteristics for an F&RA 2 state the following:

Positions at this level provide consultation to managers and perform journey-level forms and/or records work such as analyzing manual, electronic and/or automated forms and/or records management problems, developing and implementing plans for rectifying system deficiencies, designing forms and coordinating forms production. Incumbents assist with and coordinate records retention . . . and provide consultation on forms and/or records management programs and system requirements. Incumbents . . . retrieve information for and respond to public record requests.

The Washington State Classification and Pay Guide describes the second level (Level 2) of an occupational category as the "journey, working, or fully qualified level" where incumbents "work independently and are competent to resolve issues within their area of responsibility." It also defines journey-level as "[f]ully competent and qualified in all aspects of a body of work and given broad/general guidance, can complete work assignments to standard under minimal supervision."

The distinguishing characteristics for an F&RA 3 read as follows:

Positions at this level are specialists in two or more system areas such as financial records, student records, resident records, and/or health records, or function as a management consultant for complex manual and/or electronic forms and/or records problems, or provide management consultation and determinations on responses to public record requests.

The Washington State Classification and Pay Guide describes the third level (Level 3) of an occupational category as the experienced level, which can be described in various ways including "senior, specialist, lead, trainer, complex, in-depth or in-charge worker." The distinguishing characteristic for the F&RA 3 class refers to the word "specialist." The Classification and Pay Guide identifies the duties of a specialist as involving "intense application of knowledge and skills in a specific segment of an occupational area."

In this case, Ms. Landis' supervisor describes her public disclosure requests as routine. The coordination with management involves working with a specific site manager regarding files in his/her area and consulting with the AGO when questions arise regarding a release of information. The examples of public disclosure requests provided

by Ms. Landis (Exhibits P-10 & P-11) support Ms. Summer's description of her duties and are consistent with the F&RA 2 level of work. Further, the majority of duties described by Ms. Landis (55%) primarily fall within the F&RA 2 level as well. The F&RA 2 is considered a journey-level position where an incumbent is fully qualified in all aspects of the work and works with minimal supervision, similar to Ms. Landis' position.

During the conference call, you indicated that Ms. Landis' Performance and Development Plan (PDP) (Exhibit P-6) supported a higher-level work regarding public disclosure. The position's linkage with organizational mission states:

This position supports the agency's mission by providing customer service to the public, as well as co-workers for records review, in making determinations to allow or deny requests and to identify and redact information from disclosure. The position copies, computes copy fees and prepares documents in coordination with public disclosure requests and review. This support ensures that records are up-to-date for review and disclosure.

As part of the PDP process, this statement ties her position's purpose to the overall mission of the agency but is not meant to exclusively describe her assigned job duties in the same manner as a Position Description Form (PDF) or CQ. In reviewing the statement, however, it supports the level of work performed at the F&RA 2 level. While Ms. Landis undoubtedly makes some decisions about handling a public disclosure request, based on her knowledge and experience, her decision-making is consistent with the work performed at the F&RA 2 level because she works independently and resolves issues within her area but also consults with the AGO or managers in a specific area, such as Water Quality, when she has questions about a specific request. The examples she provided also indicate that she forwards requests to other programs and Headquarters when necessary to obtain the proper documents when dealing with a public disclosure request.

While the exhibits provided indicate that Ms. Landis consults and collaborates with managers to coordinate and fulfill a public disclosure request, they do not indicate that she provides senior level management consultation on how to respond to public record requests, indicative of the F&RA 3 classification. Therefore, the Forms & Records Analyst 2 classification best describes Ms. Landis' position # 3216.

Appeal Rights

WAC 357-49-018 provides that either party may appeal the results of the Director's review to the Personnel Resources Board (board) by filing written exceptions to the Director's determination in accordance with Chapter 357-52 WAC.

WAC 357-52-015 states that an appeal must be received in writing at the office of the board within thirty (30) calendar days after service of the Director's determination. The address for the Personnel Resources Board is 2828 Capitol Blvd., P.O. Box 40911, Olympia, Washington, 98504-0911.

If no further action is taken, the Director's determination becomes final.

Sincerely,

Teresa Parsons
Director's Review Supervisor
Legal Affairs Division

c: Johnnie Landis
 Terri Beck, ECY
 Lisa Skriletz, DOP

Enclosure: List of Exhibits